

REMARKS

Claims 1-6, 8, 10, 11 and 14 are pending. Claims 1-6, 8, 10, 11 and 14 are rejected under 35 USC §103 as unpatentable over Eccleston, in view of Pinier and further in view of Nasonex Product Information. Applicants traverse all of these rejections.

Applicants submit that the The Office Action alleges that Eccleston teaches various degrees of thixotropy and the absence of significant thixotropic recovery at short times and that Eccleston does not specifically teach back scattered light by using a particle vision and measurement probe.


Applicants note that there are several critical differences between the presently claimed invention and Pinier. For instance, Pinier uses a black glass element 15 that absorbs the incident beam and is intended for limiting the luminous intensity reflected. The present invention does not contain such an element. Further, Pinier does not use place a thixotropic formulation on a transparent object oriented in the vertical position. In Pinier, the vertical translation provided position causes the thickness of the sample to be analyzed to vary until a thin film of several microns is formed. The black glass element is utilized in this process; see Column 5, lines 44-47. The glass element in Pinier is not in the vertical position and nothing is placed on the element in a vertical position. Applicants' invention is completely different. For instance, as required by claim 1 of the Applicants' invention, a thixotropic formulation is placed on a transparent object oriented in the vertical position. In Pinier, the experimenter will choose the thickness of the film, see column 5, lines 50-52. In the Applicants' invention, the experimenter does not choose the thickness of the film. In fact, a film may not even be formed as evidenced in the Examples of the Applicants' specification. Due to many critical differences in Pinier, it is clear that Pinier is not analogous art and cannot be used as a cited reference to obviate the present invention. Further, it would not be reasonable to try or expect that the teachings from Pinier could be used to arrive at the presently claimed invention. Applicants respectfully submit that the present invention is not obvious over the combined teachings of Pinier and Eccleston.

Thus, Applicants assert that none of the references when taken alone or when considered in combination with each other disclose each and every element of the presently claimed invention. For instance, Applicants submit that subsection a) of claim 1 is not taught or disclosed by the individual references or the combined teachings.

Specifically, the Action does not provide any teaching of 'placing an amount of said thixotropic formulation on a transparent object oriented in a vertical position'. Each and every element must be taught or disclosed by the cited references. Applicants submit that the present Office Action is still deficient in this respect and request withdrawal of such rejections.

Based on the foregoing remarks, Applicants respectfully submit that the application is in condition for allowance and request favorable consideration.

Respectfully submitted,

  
\_\_\_\_\_  
Barry H. Jacobsen  
Reg. No. 43,684  
908-298-5056

June 2, 2010  
SCHERING-PLOUGH CORPORATION  
Patent Department, K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth, New Jersey 07033-0530

110517